

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In RE: Neil Charles Heinrich, II,	CASE NO. 23-11578-pmm
Debtor.	
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Pennsylvania Housing Finance Agency,	Chapter 13
Movant,	
v.	
Neil Charles Heinrich, II,	
Respondent,	
William C. Miller,	
Trustee.	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Pennsylvania Housing Finance Agency hereby moves for relief from the automatic stay under Section 362 (e) and by its undersigned counsel avers the following in support of the said motion:

1. Respondent-Debtor named above filed a Petition under Chapter 13 of the Bankruptcy Act in the Eastern District of Pennsylvania under the above case number.
2. Movant is holder of a secured claim against the respondent secured by a first mortgage lien on real estate.
3. Additional Respondent, William C. Miller is the Trustee appointed in the aforementioned Chapter 13 proceeding.
4. The filing of the aforesaid Petition operated as an automatic stay under Section 362 (a) of the Bankruptcy Code of proceedings to foreclose the mortgages on said residence of Respondent.

5. Respondent has failed to make payments to discharge the arrearage on said mortgages or has failed to make the current monthly payments on said mortgages since the filing of the Chapter 13 Petition or has failed to do both. Such defaults include failure to make the following post-petition monthly payment and late charges:

Payments:	5 at \$947.64	\$4,738.20
Late Charges:	5 at \$31.58	\$157.90
Expenses Advanced:		
Suspense:		
Attorney Fee:		\$1,150.00
Court Filing Cost:		<u>181.00</u>
TOTAL		\$6,227.10

6. The Movant is entitled to relief from the automatic stay because of the foregoing default and because:

- (a) Adequate protection of the interest of Movant as a holder of a first mortgage lien securing a debt owed by each Respondent to Movant is lacking; and
- (b) Respondent-Debtor does not have any equity in the aforementioned premises which are not necessary to an effective reorganization or plan and Trustee has abandoned the property.

7. The Mortgages or the Notes provide that the Debtor is obliged to reimburse the mortgagee for attorney fees and costs incurred in the motion, attached and marked as Exhibit "A".

WHEREFORE, Movant prays that this Honorable Court decree an abandonment by the Trustee and grant the Movant relief from the automatic stay under Section 362 (e) of the Bankruptcy Code insofar as it stays foreclosure of Movant's mortgage secured upon respondents real estate located at 530 E. Howard Street, Pottstown, PA 19464-6505 and further requests that the 14-day stay described by Rule 4001(a)(3) be waived.

Dated: 10/24/2023

/s/ Lois M. Vitti  
Lois M. Vitti, Esquire  
Attorney for Movant